

Exhibit 3

Federal Court



Cour fédérale

Date: 20191125

Dockets: T-704-19
T-705-19
T-708-19
T-768-19
T-770-19

Toronto, Ontario, November 25, 2019

PRESENT: Case Management Judge Angela Furlanetto

BETWEEN:

**HOFFMANN-LA ROCHE LIMITED
AND INTERMUNE, INC.**

Plaintiffs

and

SANDOZ CANADA INC.

Defendant

ORDER

UPON motion brought by the Defendant pursuant to Rules 90(2), 237(4), and 272 of the *Federal Courts Rules* for an Order directing the Administrator to issue:

1. Three Commissions, in substantially the form attached to the Notice of Motion as Schedules "B", "C" and "D";

2. Three Letters of Request (also known as “Letters Rogatory”) for the examination for discovery for persons outside of Canada to attend in this matter for such period, and in such manner that may be ordered by the Federal Court of Canada, and in a location to be determined by the Federal Court of Canada, the United States District Court for the District of New Jersey, the United States District Court for the District of Maryland, the United States District Court for the Northern District of California, or by the parties, substantially in the form attached to the Notice of Motion as:

- (a) Schedule “E” for the examination for discovery of Dr. Ronald Vlakyka (“Vladyka”), addressed to the judicial authorities for the United States District Court for the District of New Jersey;
- (b) Schedule “F” for the examination for discovery of Dr. Michelle Freemer (“Freemer”), addressed to the judicial authorities for the United States District Court for the District of New Maryland; and
- (c) Schedule “G” for the examination for discovery of Dr. Cynthia Robinson (“Robinson”), addressed to the judicial authorities for the United States District Court for the District of California;

AND UPON reading the motion record of the Defendant and being advised that the Plaintiffs do not oppose the relief requested;

AND UPON being of the view based on the evidence filed and submissions made that:

(a) the motion is made *bona fide*; (b) the issues for which the evidence is sought are issues which the Court will need to determine; (c) the witnesses sought to be examined are inventors of the patents in issue and may have evidence material to the issues; (d) the named inventors sought to

be examined reside in the United States and are not currently employees of the Plaintiffs; they cannot be compelled to be examined in Canada and have not agreed to be examined in Canada; (e) procedures are available to compel the named inventors to be examined in the United States; and (f) there is a reasonable probability the order will be complied with under the laws of the United States;

AND UPON considering that the relief requested should be granted and the Commissions and Letters of Request issued in the forms attached to this Order;

THIS COURT ORDERS that

1. The Administrator prepare and issue three Commissions, in the forms attached to this Order as Appendices “1”, “2” and “3”, appointing a Commissioner to be named by the Presiding Judge of the United States District Court for the District of New Jersey, the United States District Court for the District of Maryland, and the United States District Court for the Northern District of California, respectively, to take the evidence of the following witnesses:
 - (a) Ronald Vladyka in the District of New Jersey;
 - (b) Michelle Freemer in the District of Maryland; and
 - (c) Cynthia Robinson in the Northern District of California.
2. The Administrator shall prepare and issue three Letters of Request, in the forms attached to this Order as Appendices “4”, “5” and “6”, addressed to the Judicial Authorities of the United States District Court for the District of New Jersey, the United States District Court for the District of Maryland, and the United States District Court for the Northern

District of California, respectively, seeking the issuance of such processes as are necessary to compel the witnesses, Ronald Vladyka, Michelle Freemer and Cynthia Robinson to attend in their respective jurisdiction of the United States District Court, and to be examined for discovery before the Commissioner for a period of one day.

3. The examinations are to be scheduled and taken as soon as practically possible following the issuance of the Commissions and Letters of Request (but in the case of Michelle Freemer and Cynthia Robinson, no earlier than March 30, 2020 and in the case of Ronald Vladyka, no earlier than January 19, 2020), in order to assist with the actions, where the trial is scheduled to commence in T-704-19/T-705-19/T-708-19 on January 11, 2021 with respect to Ronald Vladyka, and in T-768-19/T-770-19 on February 15, 2021 with respect to Michelle Freemer and Cynthia Robinson.
4. There shall be no award as to costs.

“Angela Furlanetto”
Case Management Judge